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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/649,097	08/28/2000	Hisashi Ishikura	Q60517	7802

7590 12/10/2003

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2100 Pennsylvania Avenue NW
Washington, DC 20037

EXAMINER

NGUYEN, NAM V

ART UNIT	PAPER NUMBER
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2635

DATE MAILED: 12/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/649,097

Applicant(s)

ISHIKURA ET AL.

Examiner

Nam V Nguyen

Art Unit

2635

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 10 October 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-5, 8-14 and 17-19.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Continuation of 5. does NOT place the application in condition for allowance because: On page 9, fourth paragraph, Applicant argument that Flick in view of Scott fail to teach or suggest all the limitations of the vehicle system of claim 1. The Claims in a pending application should be given their broadest reasonable interpretation. In re Pearson, 181 USPQ 641 (CCPA 1974). Flick discloses The biometric sensor may be positioned at the vehicle or be carried by a handheld remote transmitter, for example. The biometric characteristic sensor may be one of a fingerprint sensor, a voice pattern sensor, a facial pattern sensor, a skin pattern sensor, a venous pattern sensor, a hand sensor, or a retinal scanner, for example. The biometric characteristic learning means may be switchable between a learning mode permitting learning of at least the biometric characteristic of an individual, and a secure mode. In one embodiment, the biometric characteristic learning means may include biometric characteristic deleting means for deleting all prior learned individuals based upon entering the learning mode. The biometric characteristic verifying means may further include learning mode entered indicating means for indicating that the learning mode has been entered. The learning mode entered indicating means may comprise time lapse means for indicating when the learning mode has last been entered. The time lapse means, in turn, may comprise means for progressively indicating a passage of time since the learning mode has last been entered. Alternately, the biometric characteristic verifying means may include learned individual number indicating means for indicating a number of learned individuals. The biometric characteristic verifying means may also alternately include learned individual change indicating means for indicating a change in a number of learned individuals or means for generating an indication relating to whether a new individual has been learned by the learning means. The verifying means may further comprise activating means for causing the indicating means to generate an indication (column 2 line 43 to column 3 line 6; see Figures 3-6). Flick further discloses said verification means comprising feature verification means for verifying the features extracted from the finger print information received from said transmitter against features on an authorized user stored by said receiver (column 8 lines 55 to 66; see Figure 5) and comprehensively determining means for determining whether or not a user manipulating said transmitter is an authorized user and whether or not the manipulation is directed toward the vehicle corresponding to said transmitter (column 8 line 66 to column 9 line 8; column 9 lines 20 to 35).

Scott et al. disclose a personal identification device including an identifier storage memory for storing an ID code specific to said transmitter (column 5 lines 16 to 26; column 6 lines 54 to 61; see Figures 1-2 and 8) in order to associate an ID code with the remote controlled device when verifying for permission to configure the automotive remote key entry system.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to have a transmitter including an identifier store in a memory of Scott et al. with the biometric characteristic of Flick with the motivation for doing so would have been to increase the security of the portable remote control identification vehicle system.

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